

23. (New) The method as set forth in claim 1 wherein the collecting step includes:

continuously moving a gantry which moves a detector head in a continuous angular orbit about a subject in an examination region; and

5 collecting data during the continuous orbit and sorting the data into a plurality of projection data sets corresponding to each of a plurality of angular increments around a subject.

REMARKS AND ELECTION

The applicants hereby elect the invention of Group I (claims 1-17), *with traverse*.

First, it is submitted that new claim 22 is not distinct from Group I and must be examined with Group I. It has not been shown that the method of claim 1 can be performed with a materially different apparatus than the apparatus of claim 22. Similarly, it has not been shown that the apparatus of claim 22 can be used to perform a materially different method. Claim 22 defines an apparatus which has a means for performing each of the method steps of claim 1.

It is submitted that there has been no showing that the apparatus claims 18-21 are distinct inventions from apparatus claim 22. Hence, restriction between the apparatus claims is not proper and claims 18-21 should be examined with claim 22 and claims 1-17.

Election of Species

The applicants elect the species of Figure 1, *with traverse*. All claims read on the elected species. All claims are generic.

As set forth in MPEP 806.04(e), "Claims are never species." Rather, MPEP 806.04(e) indicates that "claims may be restricted to a single disclosed embodiment (i.e., a single species, and thus may be designated a